UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,930	12/06/2001	John P. Del Favero JR.	088245-3074	9296

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2163	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/006,930	DEL FAVERO ET AL.
	Examiner	Art Unit
	Merilyn P. Nguyen	2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/19/2007*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,7,8,10,12,15,16,18-21,24,26 and 34-43* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,7,8,10,12,15,16,18-21,24,26 and 34-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☒ Other: *Detailed action.*

DETAILED ACTION

1.   This application claims priority to Provisional Application No. 60286259 filed on April

24, 2001 and No. 60254298 filed on December 8, 2000.

2.   In response to the communication dated 11/19/2007, claims 1, 7, 8, 10, 12, 15, 16, 18-21,

24, 25, and 34-43 are pending in this office action as the result of the cancellation of claim 2-6,

9, 14, 17, 22, 23, 26-33, and as the addition of claim 34-43.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 1, 7, 8, 10, 12, 15, 16, 18-21, 24, 25, and 34-43 are rejected under 35 U.S.C. 112,

second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

Regarding claims 1, 12, 34, 38 and 40, the claims are being incomplete for omitting

essential elements, such omission amounting to a gap between the elements. See MPEP

§ 2172.01. The omitted elements are: The claim recites, "the received first selection identifying

a concept for a query to be formed" and "the second selection identifying a first segment of the

query" and then "forming the query as a natural language query based on the received first

selection and the received second selection". Only the concept and the first segment of the query

are identified, thus a complete query can not be formed base merely on the concept and the first

segment of the query. Where are remained segments of the query?

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.   Claims 1, 7, 8, 10, 12, 15, 16, 18-21, 24, 25, and 34-43 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility.

Regarding claims 1, 12, 34, 38 and 40, the claim recites, "the received first selection identifying a concept for a query to be formed" and "the second selection identifying a first segment of the query" and then "forming the query as a natural language query based on the received first selection and the received second selection" and then "sending the formed query to a third device for execution of the query". The claimed invention is inoperative because the complete query can not be formed by only based on the concept and the first segment of the query, therefore the execution can not be performed on an incomplete query. Therefore the claims lack utility.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-2, 5-9 and 29-32 rejected under 35 U.S.C. 102(e) as being anticipated by Narasimhan (US 6,237,145).

Regarding claims 1, 34 and 40, Narasimhan discloses a method for formulation of queries for use in accessing information from a knowledge base (See col. 5, line 40 to col. 6, line 16), said method comprising:

at a first device, sending a first menu list of words or phrases associated with a plurality of concepts to a second device (See col. 5, lines 44-50);

receiving a first selection of at least one of the words or phrases in the first menu list from the second device, the received first selection identifying a concept for a query to be formed (See col. 5, lines 49-50);

accessing user profile information associated with a user formulating the query (See col. 5, line 66 to col. 6, line 12);

identifying a second menu list of words or phrases based on the first selection and the accessed user profile information (See col. 5, line 66 to col. 6, line 12);

receiving a second selection of at least one of the words or phrases in the second menu list from the second device, the second selection identifying a first segment of the query (See col. 5, lines 60-65);

forming the query as a natural language query (See col. 5, lines 50-65) based on the received first selection and the received second selection (See col. 5, lines 60-65);

sending the formed query to a third device for execution of the query (See col. 6, lines 13-20); and receiving a response to the formed query (See col. 6, lines 13-20).

Regarding claims 7, 35, and 41, Narasimhan discloses wherein identifying the second

menu list comprises dynamically generating the second menu list based on the first selection of

at least one of the words or phrases in the first menu list (See col. 5, lines 50-55).

Regarding claims 8, 36 and 42, Narasimhan discloses wherein identifying the second

menu list comprises selecting the second menu list from a plurality of predetermined menu lists

based on the first selection of at least one of the words or phrases in the first menu list (See Figs.

2 and 3, and col. 5, lines 50-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections

set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 1, 7, 8, 10, 12, 15-16, 18-21, 24-25, and 34-43 are rejected under 35 U.S.C.

103(a) as being unpatentable over Wilson (US 6,460,031), in view of Gobburu (US 6,736,322).

Regarding claims 1, 7, 34-35, 40, and 41, Wilson discloses a method for formulation of

queries for use in accessing information from a knowledge base (See col. 2, line 55-67), said

method comprising:

at a first device, sending a first menu list of words or phrases associated with a plurality

of concepts to a second device (See col. 3, lines 1-3);

receiving a first selection of at least one of the words or phrases in the first menu list from

the second device, the received first selection identifying a concept for a query to be formed (See

col. 3, lines 1-5);

Wilson is silent as to accessing user profile information associated with a user

formulating the query. On the other hand, Gobburu teaches accessing user profile information

associated with a user formulating the query (See col. 22, lines 49-59, Gobburu et al.). It would

have been obvious to one having ordinary skill in the art at the time of the invention was made to

formulate queries based on user profile information as suggested by Gobburu. The motivation

would have been to provide users with quickly access to the information that is likely to be

interested by the users.

identifying a second menu list of words or phrases based on the first selection (See col. 3,

lines 5-10, Wilson et al.). And, the combination of Wilson and Gobburu suggests identifying a

second menu list of words or phrases based on the accessed user profile information so that

focusing on user interest by applying user profile information;

receiving a second selection of at least one of the words or phrases in the second menu

list from the second device, the second selection identifying a first segment of the query (See col.

5, lines 53-60);

forming the query as a natural language query (See col. 2, lines 65-67, and col. 6, lines

39-44) based on the received first selection and the received second selection (See col. 6, lines

20-44);

wherein identifying the second menu list comprises dynamically generating the second menu list based on the first selection of at least one of the words or phrases in the first menu list (See col. 3, line 4-5) as per claims 7, 35 and 41;

sending the formed query to a third device for execution of the query and receiving a response to the formed query (See col. 3, lines 14-20).

Regarding claims 8, 36 and 42, Wilson/Gobburu discloses said obtaining d) comprises selecting the second menu list from a plurality of predetermined menu lists based on the first selection of at least one of the words or phrases in the first menu list (See Fig. 4, and col. 5, lines 39-60, Wilson et al.).

Regarding claim 10, Wilson/Gobburu discloses (g) displaying the query produced by combining step (f) (618, Fig. 6, Wilson et al.).

Regarding claims 12, 19, and 38 Wilson, in view of Gobburu, discloses all the claimed subject matter as set forth above in claim 1. However, Wilson is silent as to use a mobile computing device to operate the method of claims 1. Gobburu teaches a mobile computing device using menus to generate queries (See Figs. 1-9, Gobburu et al.). Since Wilson uses computer system to operate the method of formulating queries using menus. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate and use menus to generate queries into a mobile computing device as suggested by

Gobburu. The motivation would have been to enhance the flexibility and convenience of the

system so that the system can be used anywhere.

Regarding claim 15, Wilson/Gobburu discloses displaying the query to the user (See col.

4, lines 42-49, also Fig. 6, and col. 6, line17-44, Wilson et al.);

Regarding claim 16, Wilson/Gobburu discloses wherein displaying the query comprises

incrementally updating the query as selections are individually made (See col. 7, lines 9-15,

Wilson et al.).

Regarding claim 18, Wilson/Gobburu discloses wherein at least adjacent ones of the

menus in the series of menus have a grammatical and/or contextual relationship (See Fig. 4,

Wilson et al.).

Regarding claims 20 and 39, Wilson/Gobburu discloses wherein user profile includes one

or more of user selection history, user preferences, content or application (See col. 5, lines 1-10,

Wilson et al.).

Regarding claim 21, Wilson/Gobburu discloses wherein the series of menus are

predetermined (See col. 5, lines 42-60, Wilson et al.).

Regarding claim 24, Wilson/Gobburu discloses a method as recited in claim 1 further

comprising:

(a) before forming the query, determining whether an additional user menu selection is

needed (See Col. 6, lines 17-44, Wilson et al.);

(b) if an additional user menu selection is needed, sending a third menu list of words or

phrases to the second device based on the received second selection (See col. 5, line 66 to col. 6,

line 2);

(c) receiving a third selection of at least one of the words or phrases in the third menu list

from the second device, the third selection identifying a second segment of the query (See col. 6,

lines 2-3, Wilson et al.); and

repeating (a) through (c) until said no additional user menu selections are needed,

wherein the formed query includes the subsequent received selections (See 618, Fig. 6, and Col.

7, lines 9-15, Wilson et al.).

Regarding claims 25, 37 and 43, Wilson/Gobburu discloses wherein sending the formed

query comprises:

forming a request for the response to the formed query (See col. 7, lines 9-14,

Wilson et al.); and

transmitting the request to a the third device (See col. 7, lines 13-15, Wilson et

al.).

7.   Claims 1, 7, 8, 10, 12, 15-16, 18-21, 24-25, and 34-43 are rejected under 35 U.S.C.

103(a) as being unpatentable over Wilson (US 6,460,031), in view of Narasimhan (US

6,237,145).

Regarding claims 1, 7, 34-35, 40, and 41, Wilson discloses a method for formulation of

queries for use in accessing information from a knowledge base (See col. 2, line 55-67), said

method comprising:

at a first device, sending a first menu list of words or phrases associated with a plurality

of concepts to a second device (See col. 3, lines 1-3);

receiving a first selection of at least one of the words or phrases in the first menu list from

the second device, the received first selection identifying a concept for a query to be formed (See

col. 3, lines 1-5);

Wilson is silent as to accessing user profile information associated with a user

formulating the query. On the other hand, Narasimhan teaches accessing user profile

information associated with a user formulating the query and identifying a second menu list of

words or phrases based on the user profile information (See col. 5, line 66 to col. 6, line 12,

Narasimhan et al.). It would have been obvious to one having ordinary skill in the art at the time

of the invention was made to receive user profile information and obtaining a second menu list of

words or phrases based on the user profile information as suggested by Narasimhan. The

motivation would have been to provide users with quickly access to the information that is likely

to be interested by the users.

identifying a second menu list of words or phrases based on the first selection (See col. 3, lines

5-10, Wilson et al.). And, the combination of Wilson and Narasimhan suggests identifying a

second menu list of words or phrases based on the accessed user profile information so that

focusing on user interest by applying user profile information;

receiving a second selection of at least one of the words or phrases in the second menu

list from the second device, the second selection identifying a first segment of the query (See col.

5, lines 53-60);

forming the query as a natural language query (See col. 2, lines 65-67, and col. 6, lines

39-44) based on the received first selection and the received second selection (See col. 6, lines

20-44);

wherein identifying the second menu list comprises dynamically generating the second menu list

based on the first selection of at least one of the words or phrases in the first menu list (See col.

3, line 4-5) as per claims 7, 35 and 41;

sending the formed query to a third device for execution of the query and receiving a

response to the formed query (See col. 3, lines 14-20).

Regarding claims 8, 36 and 42, Wilson/ Narasimhan discloses said obtaining d)

comprises selecting the second menu list from a plurality of predetermined menu lists based on

the first selection of at least one of the words or phrases in the first menu list (See Fig. 4, and col.

5, lines 39-60, Wilson et al.).

Regarding claim 10, Wilson/ Narasimhan discloses (g) displaying the query produced by

combining step (f) (618, Fig. 6, Wilson et al.).

Regarding claim 24, Wilson/ Narasimhan discloses a method as recited in claim 1 further

comprising:

(a) before forming the query, determining whether an additional user menu selection is

needed (See Col. 6, lines 17-44, Wilson et al.);

(b) if an additional user menu selection is needed, sending a third menu list of words or

phrases to the second device based on the received second selection (See col. 5, line 66 to col. 6,

line 2);

(c) receiving a third selection of at least one of the words or phrases in the third menu list

from the second device, the third selection identifying a second segment of the query (See col. 6,

lines 2-3, Wilson et al.); and

repeating (a) through (c) until said no additional user menu selections are needed,

wherein the formed query includes the subsequent received selections (See 618, Fig. 6, and Col.

7, lines 9-15, Wilson et al.).

Regarding claims 25, 37 and 43, Wilson/ Narasimhan discloses wherein sending the

formed query comprises:

forming a request for the response to the formed query (See col. 7, lines 9-14,

Wilson et al.); and

transmitting the request to a the third device (See col. 7, lines 13-15, Wilson et

al.).

8.   Claims 12, 15, 16, 18-21, 38 and 39 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wilson (US 6,460,031), in view of Narasimhan (US 6,237,145), and further in

view of Gobburu (US 6,736,322).

Regarding claims 12, 19 and 38, Wilson, in view of Narasimhan, discloses all the claimed

subject matter as set forth above in claim 1. However, Wilson, in view of Narasimhan is silent

as to use a mobile computing device to operate the method of claim 1. Gobburu teaches a

mobile computing device using menus to generate queries (See Figs. 1-9, Gobburu et al.). Since

Wilson uses computer system to operate the method of formulating queries using menus. It

would have been obvious to one having ordinary skill in the art at the time of the invention was

made to incorporate and use menus to generate queries into a mobile computing device as

suggested by Gobburu. The motivation would have been to enhance the flexibility and

convenience of the system so that the system can be used anywhere.

Regarding claim 15, Wilson/Narasimhan/Gobburu discloses displaying the query to the

user (See col. 4, lines 42-49, also Fig. 6, and col. 6, line17-44, Wilson et al.);

Regarding claim 16, Wilson/Narasimhan/Gobburu discloses wherein displaying the query

comprises incrementally updating the query as selections are individually made (See col. 7, lines

9-15, Wilson et al.).

Regarding claim 18, Wilson/Narasimhan/Gobburu discloses wherein at least adjacent ones of the menus in the series of menus have a grammatical and/or contextual relationship (See Fig. 4, Wilson et al.).

Regarding claims 20 and 39, Wilson/Narasimhan/Gobburu discloses wherein user profile includes one or more of user selection history, user preferences, content or application (See col. 5, lines 1-10, Wilson et al.).

Regarding claim 21, Wilson/Narasimhan/Gobburu discloses wherein the series of menus are predetermined (See col. 5, lines 42-60, Wilson et al.).

Response to Arguments

9.   Applicant's arguments filed on 11/19/2007 about the claim rejection of the last Office Action have been fully considered, but they are not persuasive.

- Response to Applicant's arguments on claim rejections under 35 U.S.C 102 (e):

Applicant argues that Narsimhan does not disclose identifying a second menu list of words and phrases based on the received first selection and the accessed user profile information. The Examiner respectfully disagrees. Column 5, line 45 to col. 6, line 12 states, "The main menu may have a list of different areas of interest to the user (e.g., leisure, dining, shopping, events, services, products, groceries). The user has **the option of selecting any item listed in the main menu 144M....such selection would result in the display of one of several sub-menus 144S listing more specific choices from which the user could select...the user may employ to**

navigate the hierarchical structure and to obtain answers to queries regarding the use of the system…the system is dynamic and can create user-specific hierarchical branches based on the user profile for the user. For example, if the user frequently selects promotions from a particular store, those frequently selected promotions may be organized into a specific sub-menu under a sub-menu relating to the particular store" Thus, Narsimhan clearly teaches identifying a second menu list of words and phrases based on the received first selection and the accessed user profile information as based on the first selection on the main menu 144M and based on the user profile, for example, as above, if the user frequently selects promotions from a particular store, those frequently selected promotions may be organized into a specific sub-menu under a sub-menu relating to the particular store.

- <u>Response to Applicant's arguments on claim rejections under 35 U.S.C 103 (a) as being unpatentable over Wilson in view of Gobburu:</u>

Applicant argues that Wilson fails to teaches "identifying a second menu list of words and phrases based on the received first selection and the accessed user profile information". The Examiner respectfully point out that Wilson teaches identifying a second menu list of words or phrases based on the received first selection as addressed above. Wilson is silent as to identifying a second menu list of words or phrases based on the user profile information. However, it's obvious in view of Gobburu as addressed above.

Applicant argues that Gobburu does not disclose or suggest identifying a second menu list of words and phrases based on the received first selection and the accessed user profile information. The Examiner respectfully disagrees. The over all system of Gobburu teaches the user using a

mobile communications device to access his home account to cause various top level folders

(first menu list) of the My Transactions database to be displayed on the mobile phone (as shown

in Fig. 4). The user can select any of the top level folders such as "Travel", thereby causing

display of various subordinate folders (second menu list, for example Figs. 5 and 6). The user

now can choose any subordinate folders to be presented (See col. 12, line 62 to col. 13, line 18,

Gobburu et al.). Because My Transactions database built based on user's personal transaction

and information (See col. 11, lines 33-37 and 59-61); therefore, a second menu list of words or

phrases is based on the first selection of at least one of the words or phrases in the first menu list

and the user profile information.

- <u>Response to Applicant's arguments on claim rejections under 35 U.S.C 103 (a) as being</u>
  <u>unpatentable over Wilson in view of Narashimham:</u>

Applicant argues that Narasimham does not disclose or suggest a menu of words and phrases

based upon the user profile associated with the user. The Examiner respectfully disagrees and

fully addressed this issue above.

In response to applicant's arguments against the references individually, one

cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See In re Keller, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); /n re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986).

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Merilyn P Nguyen whose telephone number is 571-272-4026.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don

Wong can be reached on 571-272-1834. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be

obtained from either Private PAIR or Public PAIR. Status information for unpublished

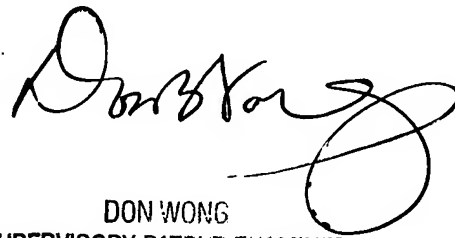applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197.

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Art Unit 2163

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